

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE

DEBORAH BOYD

Plaintiff

v.

U.S DEPARTMENT OF HEALTH
AND HUMAN SERVICES, YOUNG BAE
KIM, MD AND BETH ISRAEL DEACONESS
MEDICAL CENTER

Defendants

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U.S. DISTRICT COURT
SOUTHERN DISTRICT OF MASS.
CLERKS

FIRST AMENDED COMPLAINT AND JURY TRIAL DEMAND

JURISDICTION

The action arises under the Federal Torts Claim Act, U.S.C., Title 28 §§ 2671-2680, and §1367 as hereinafter more fully appears.

PARTIES

1. The Plaintiff, Deborah Boyd is an individual residing at 445 Palmer Street, Apt. #1, Quincy, Norfolk County, Commonwealth of Massachusetts.
2. The Defendant, United States Department of Health and Human Services is an Agency of the United States Government with its principal offices located at 200 Independent Avenue, Washington DC, under which Manet Community Health Center, Inc., (hereafter “Manet”) a Massachusetts Nonprofit corporation with its principal offices located at 1193 Sea Street, Quincy, Norfolk County, Commonwealth of Massachusetts is operated.
3. The Defendant, Young Bae Kim is a medical doctor licensed to practice in Massachusetts who has a principal place of business at 330 Brookline Avenue, Suffolk County, Commonwealth of Massachusetts.
4. The Defendant, Beth Israel Deaconess Medical Center is a medical hospital with a principal place of business at 330 Brookline Avenue, Suffolk County, Commonwealth of Massachusetts.

FACTS

5. During the period February 1999 through October 2001, Manet was Plaintiff's primary health care provider.

6. In the course of their treatment of Ms. Boyd, Defendant, United States Department of Health and Human Services its agents, servants, or employees were negligent and deviated from the standard of care including, but not limited to, improperly informing Ms. Boyd of test results which showed irregularities that should have been followed up by the Defendants and put Defendant on notice regarding the risk of failing to take action, failed to properly record Ms. Boyd's complaints, refused to set up appointments for Ms. Boyd to see a doctor, failed to follow the proper medical protocol, failed to diagnose and provide proper preventative treatment. The Plaintiff did not discover said negligence had harmed her until sometime after January 7, 2003.
7. On or about December 24, 2004, Plaintiff properly provided notice of Manet's negligence to the defendant pursuant to 28 U.S. Code §§ 2671-2680 by certified mail return receipt requested which defendant received on or about January 6, 2005.
8. As a direct, proximate, proximate result of the negligence of the Defendant, its servants and employees, Plaintiff has been diagnosed with cervical cancer and was required to undergo a radical hysterectomy, suffer pain, anguish of mind, and other serious injury of the body, was unable to perform her usual activities and duties for an extended period of time, and sustained damages for loss of earnings and earning capacity.
9. During the aftercare of her surgical wound from said hysterectomy, the Defendants Kim and Beth Israel Deaconess Medical Center were negligent in the care of said wound and thus, in combination with the other Defendant directly and proximately resulted in infection of said surgical wound, additional surgeries, pain, suffering, scarring and injury of the body and anguish of the mind, and was unable to perform her usual activities and sustained damages for loss of earnings and earning capacity.

COUNT I
NEGLIGENCE

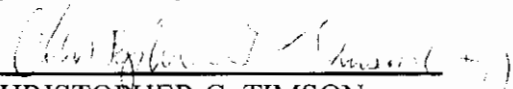
10. The Plaintiff, Deborah Boyd restates, realleges and incorporates paragraphs 1 through 9 of this Complaint as though fully set forth herein.

WHEREFORE, the Plaintiff, Deborah Boyd, demands that judgment enter against the Defendants in an amount to be determined by this Court, plus interest and costs.

JURY DEMAND

The Plaintiffs requests a trial by jury on all issues to triable.

Plaintiff,
By Her Attorneys,



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